

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

HARVEY L. JACQUE,

Plaintiff,

v.

ORDER

05-CV-6197T

FRANK WIRT, et al.,

Defendants.

Plaintiff in the above-captioned matter having filed a motion before this Court to compel the production of documents (Docket # 36) and oral argument of such motion having been conducted before the undersigned on September 19, 2007, it is hereby

ORDERED, that plaintiff's motion to compel (**Docket # 36**) is **GRANTED in PART and DENIED in PART**. Defendant shall, by no later than **October 3, 2007**, either produce to plaintiff's counsel or make available for inspection at the office of local counsel, the following documents:

1. Any communications between plaintiff and Rochester Carpenters Local Union 85 (the "Union") or between Rochester Convention Center Management Corporation (the "Convention Center") and the Union between October 27, 2004 and April 27, 2005 concerning the availability of internal union administrative remedies to plaintiff.
2. A copy of the collective bargaining agreement between the Union and the Convention Center.

3. A copy of the Union's constitution, bylaws and any other documents setting forth internal union administrative remedies applicable to the plaintiff.
4. Any documents reflecting the distribution to plaintiff of the documents referenced in Request No. 3 above.

And it is further

ORDERED, that all discovery in this matter relating to the availability and adequacy of internal union remedies shall be completed by **November 30, 2007**.

IT IS SO ORDERED.

Marian W Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
September 25, 2007